



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

Martha  
MOD 980633069  
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RECEIVED

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CMPL SECTION

October 2, 1986

Mr. James Anderson  
Attorney at Law  
818 Grand  
Kansas City, Missouri 64106

Dear Mr. Anderson:

The EPA has not received a response to its Section 104 letter issued on September 19, 1986, pursuant to 42 U.S.C. § 9604, or our Administrative Order in Docket No. 86-F-0015, issued on September 26, 1986. In view of this, I assume your client is not going to take responsibility for properly decontaminating or disposing of PCB contaminated equipment removed at your client's direction from the Holden facility.

The EPA's position is that, based on sampling results, those items of equipment which were located or used in the work areas of the Holden facility are likely to be contaminated with PCBs. Those items of equipment which were not located in the work areas may not be contaminated with PCBs. Examples of the latter items are desks and file cabinets.

Those items of equipment which are known to be contaminated or likely to be contaminated because of their location at the Holden facility, must be properly decontaminated or, in the alternative, disposed. In view of the failure of your client to take responsibility, EPA has determined that in order to avoid possible further spread of PCB contamination, those items of equipment which are contaminated or likely to be contaminated need to be returned to the Holden facility for secure temporary storage until proper decontamination or disposal can be accomplished.

In addition, sampling will have to be done at each of the satellite locations referred to in our letter dated September 19, 1986, and our Administrative Order in Docket No. 86-F-0015, in order to determine whether the buildings or ground where the PCB contaminated equipment was stored has become contaminated. If sampling indicates PCB contamination, a determination will have to be made on what, if any, remedial work will have to be done to clean-up contaminated areas.



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SUPERFUND RECORDS

Your client may be responsible for any costs incurred by the EPA in accomplishing the above activities pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) 42 U.S.C. § 9607.

My understanding of your client's position with regard to the various items of equipment which were removed from the Holden facility and stored at various locations is as follows:

1. Your client does not believe EPA's sample results are reliable. Copies of sample results were given to you and Mr. James Carolan at a meeting in our offices on September 19, 1986, and also attached to our Administrative Order, Docket No. 86-F-0015.

2. Your client has done "some sampling" which results indicate "little or no contamination." These analytical reports have never been submitted to EPA and EPA has never been advised what items of equipment were sampled by your client, or how the sampling and analysis was conducted.

3. Your client has "appealed" the city of Kansas City, Missouri's abatement order.

4. Your client wants to keep eight (8) items of equipment, and decontaminate them, but will not advise EPA what those items are. Submit a contamination plan or submit a complete inventory of all equipment removed from the Holden facility and stored at various locations including those known to EPA and listed in the September 19, 1986, letter and the Administrative Order in Docket No. 86-F-0015. EPA requested and your client agreed to provide an inventory at the September 19, 1986, meeting. Your client failed to respond to EPA's Section 104 notice letter issued on September 19, 1986, subsequent phone call on September 25, 1986, or the Administrative Order in Docket No. 86-F-0015.

5. Your client will not take responsibility for decontamination of or, in the alternative, proper disposal of all PCB contaminated equipment removed by your client from the Holden facility.

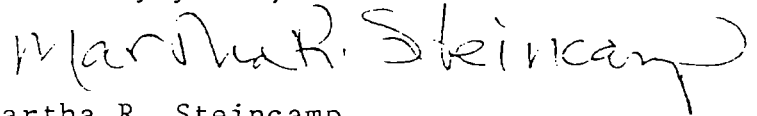
6. Your client does not think that EPA's decontamination standards are appropriate and asserts that 50 ppm PCBs is the level of contamination which is "permitted."

Therefore, EPA will commence an immediate removal pursuant to Section 104 of CERCLA, 42 U.S.C. § 6904, to remove those items of equipment which are contaminated or likely to be contaminated from the properties listed in the September 19, 1986, letter and the September 26, 1986 Administrative Order. The equipment will be returned to the Holden facility where it will temporarily be stored, pending sampling and if necessary, proper decontamination and disposal.

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CERCLA provides for substantial penalties for failure to comply with terms of a Section 106 Administrative Order. See 42 U.S.C. § 9606(b) and 42 U.S.C. § 9607(c)(3).

Sincerely yours,

A handwritten signature in cursive script, reading "Martha R. Steincamp". The signature is written in dark ink and is positioned above the typed name.

Martha R. Steincamp  
Deputy Regional Counsel